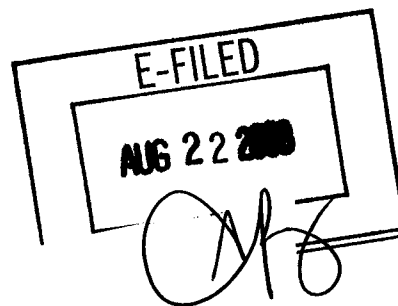


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9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 GEORGE CLINTON, an individual,
14 Plaintiff,

15 v.

16 UNIVERSAL MUSIC GROUP, INC., a
Delaware corporation; and UMG
17 RECORDINGS, INC., a Delaware
corporation,
18 Defendants.
19

Case No. CV 07-00672 PSG (JWJx)

The Honorable Philip S. Gutierrez

**~~PROPOSED~~ FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

NOTE CHANGES MADE BY THE COURT.

trial

1 The Court, having conducted a bench ~~trial~~ on the Fifth Cause of Action of
 2 the First Amended Complaint for Declaratory Judgment, insofar as that claim
 3 pertains to the artist "Parlet," and having considered the testimony of the
 4 witnesses, documentary and other evidence, and the contentions and argument of
 5 the parties Plaintiff George Clinton and Defendants Universal Music Group, Inc.,
 6 and UMG Recordings, Inc., hereby makes the following Findings of Fact and
 7 Conclusions of Law:

FINDINGS OF FACT

- 10 1. Plaintiff George Clinton ("Clinton") is a recording artist.
- 11 2. Clinton has performed as the musical group "Parliament."
- 12 3. Defendant UMG Recordings, Inc., is in the business of producing,
 13 selling, and/or licensing sound recordings. Defendants UMG Recordings, Inc., and
 14 Universal Music Group, Inc., are sometimes hereinafter referred to collectively as
 15 "UMG."
- 16 4. Defendant UMG Recordings, Inc., which was formerly known as
 17 PolyGram Records, Inc. ("PolyGram"), is the successor-in-interest to the rights of
 18 Casablanca Record and Filmworks, Inc. ("Casablanca"), relating to Clinton,
 19 including his loan-out companies, and the musical artists known as "Parliament"
 20 and "Parlet."
- 21 5. Pursuant to a memorandum agreement dated March 17, 1976,
 22 between Casablanca and Thang, Inc., one of Clinton's "loan-out" companies
 23 ("Thang"), Thang delivered certain master recordings embodying performances of
 24 Clinton as the artist Parliament to Casablanca.
- 25 6. On or about July 19, 1977, Casablanca and Thang entered into an
 26 exclusive recording agreement regarding Thang's record production services for
 27 the artist Parlet (the "1977 Parlet Agreement"). Trial Exhibit 14 is that agreement.

1 7. Under the 1977 Parlet Agreement, Thang delivered the following
2 long-play sound recordings to Casablanca: *Pleasure Principle*; *Invasion of the*
3 *Booty Snatchers*; and *Play Me or Trade Me* (collectively the “Parlet Master
4 Recordings”).

5 8. In or around 1980, disputes arose between Thang, Clinton, and
6 Casablanca relating to, in part, the artists Parliament and Parlet. Those disputes
7 were resolved in a Release and Settlement Agreement dated October 17, 1980
8 entered into by Thang, Clinton, and Casablanca (the “Settlement Agreement”).
9 Trial Exhibit 205 is that agreement.

10 9. The Settlement Agreement stated that the parties “desired . . . to enter
11 into new agreements which will supersede all prior agreements.”

12 10. On or about October 23, 1980, Casablanca and P-Funk, Inc., another
13 of Clinton’s “loan-out” companies (“P-Funk”), entered into an Artist’s Production
14 Agreement. Trial Exhibit 204 is that agreement.

15 11. On or about December 23, 1980, P-Funk, Inc., Casablanca, and
16 Clinton entered into a written agreement concerning the artists Parlet, Bernie
17 Worrell, and Tracy Clinton (the “1980 Parlet Agreement”). Trial Exhibit 15 is that
18 agreement.

19 12. Although the parties to the 1980 Parlet Agreement contemplated
20 entering into a more formal agreement, no other agreement was entered into.

21 13. No Parlet Master Recordings were delivered under the December
22 1980 Parlet Agreement.

23 14. In or about 1994, PolyGram released a sound recording album titled
24 *Best of Parlet*, containing tracks from the Parlet Master Recordings.

25 15. Casablanca registered a copyright certificate for *Pleasure Principle*
26 with the United States Copyright Office on or about March 31, 1978, bearing
27 Registration No. SR 3-085.

1 16. Casablanca registered a copyright certificate for *Invasion of the Booty*
 2 *Snatchers* with the United States Copyright Office on or about April 27, 1979,
 3 bearing Registration No. SR 8-554.

4 17. Casablanca registered a copyright certificate for *Play Me or Trade Me*
 5 with the United States Copyright Office on or about August 18, 1980, bearing
 6 Registration No. SR 23-294.

7 18. PolyGram registered a copyright certificate for *Best of Parlet* with the
 8 United States Copyright Office on or about December 21, 1994, bearing
 9 Registration No. SR 20-6419.

10 19. Casablanca, PolyGram, and/or UMG have been accounting to
 11 Clinton's loan-out companies for the exploitation of the Parlet Master Recordings,
 12 *Best of Parlet*, and other Parlet compilations pursuant to the terms of the 1977
 13 Parlet Agreement.

14 20. There is no evidence of any agreements, written or oral, concerning
 15 Parlet between Casablanca, PolyGram, and/or UMG on the one hand, and Clinton
 16 and/or his loan-out companies, on the other hand, other than Trial Exhibits 14, 15,
 17 204, and 205.

18 19 CONCLUSIONS OF LAW

20 1. The July 19, 1977, agreement between Casablanca and Thang (Trial
 21 Exhibit 14); the October 17, 1980, Release and Settlement Agreement among
 22 Thang, Clinton, and Casablanca (Trial Exhibit 205); the October 23, 1980, Artist's
 23 Production Agreement between Casablanca and P-Funk (Trial Exhibit 204); and
 24 the December 23, 1980, agreement among P-Funk, Casablanca, and Clinton (Trial
 25 Exhibit 15) are all valid and enforceable agreements that exclusively govern
 26 UMG's relationship with Clinton regarding Parlet.

27 2. Defendant UMG Recordings, Inc., which was formerly known as
 28 PolyGram Records, Inc., is the successor-in-interest to the rights of Casablanca

1 relating to Clinton, including his loan-out companies, and the musical artists
2 Parliament and Parlet.


3 3. The July 19, 1977, Parlet Agreement contains the operative royalty
4 and other payment terms between UMG and Clinton's loan-out companies
5 concerning the Parlet Master Recordings, *Best of Parlet*, and other compilations.

6 4. UMG is the copyright owner of the Parlet Master Recordings,
7 including *Pleasure Principle*, *Invasion of the Booty Snatchers*, *Play Me or Trade*
8 *Me*, and *Best of Parlet*, including the individual sound recordings contained in
9 those long-play sound recordings.

10 5. The Fifth Cause of Action of the First Amended Complaint is
11 adjudicated in favor of UMG. This Court makes no declaratory Judgment in favor
12 of Clinton.

13 *Defendant is ordered to prepare a Judgment within*
14 *10 days.*

15 Dated: 8/21, 2008


The Hon. Philip S. Gutierrez
United States District Judge